

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHELLE FISCUS, M.D., FAAP,)	
)	
Plaintiff,)	
)	
v.)	No. 3:21-cv-00686
)	
COMMISSIONER LISA PIERCEY, M.D.,)	Chief Judge Crenshaw
MBA, FAAP, Tennessee Department of Health,)	
in her official capacity;)	
CHIEF MEDICAL OFFICER TIM JONES,)	
M.D., Tennessee Department of Health,)	
in his official capacity,)	
)	
Defendants.)	

NOTICE OF SETTLEMENT CONTINGENT ON APPROVAL OF STATE OFFICIALS

Defendants Commissioner Lisa Piercey, M.D., MBA, FAAP¹ and Chief Medical Officer Tim Jones, M.D. provide notice that the parties attended mediation as ordered by the Court and have reached a settlement that is contingent upon written approval of State officials. The parties will work diligently to finalize the proposed settlement agreement and then route it for approval. The parties will need the time necessary to obtain approval of State officials before the settlement can be completed and dismissal entered.

¹ Pursuant to Fed. R. Civ. P. 25(d), Commissioner Ralph Alvarado, MD, FACP has been automatically substituted as Defendant in the official capacity claim.

Respectfully Submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

s/ Stephanie A. Bergmeyer
Stephanie A. Bergmeyer, BPR # 27096
Senior Assistant Attorney General
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202-0207
Stephanie.Bergmeyer@ag.tn.gov
(615) 741-6828

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Notice has been served through the e-filing system on April 19, 2023, to:

David Randolph Smith
Christopher Smith
Dominick R. Smith
W. Lyon Chadwick
David Randolph Smith & Associates
1913 21st Avenue South
Nashville, Tennessee 37212
Attorneys for Plaintiff

s/ Stephanie A. Bergmeyer